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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/811,914

03/30/2004

Hiroyuki Otsuka

NT-US045041

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22919 7590 12/22/2006
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EXAMINER

PILKINGTON, JAMES

ART UNIT

PAPER NUMBER

3682

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/22/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	10/811,914		OTSUKA, HIROYUKI	
	Examiner		Art Unit	
	James Pilkington		3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 8-10 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jezewski, USP 6,568,294 B2 (originally published as PG Pub 2001/0032524 A1 on October 25, 2001) in view of Miyoshi, JP 11-034685 (cited by applicant).

Re clm 1, Jezewski an inline automatic/manual shifter comprising:

- A shift lever (10/13) configured and arranged to selectively move in a straight line path to select one of a park position (P), a neutral position (N), a reverse position (R), and a drive position (D)
- A manual up-shift switch and a manual down-shift switch (133, one half detects up shift while the other half detects down shift)
- A manual shift selector (101)
- A shift position retaining mechanism including a detent spring (115) fixed to move with the shift lever (10/13) (moves in and out) and a shift position retaining element (114, See Figure 6) with a park position notch, a neutral position notch, a reverse position notch and a drive position notch (see Figure 1), the detent spring (115) being configured and arranged to

selectively engage the notches of the shift position retaining element (114) to selectively retain the shift lever in one of the park position, the neutral position, the reverse position and the drive position

- The drive position notch being configured and arranged to form an up-shift switch ramp surface (towards neutral) and a down-shift switch ramp surface (towards "-") with a center neutral drive location located between the up-shift and down-shift ramp surfaces (drive position)
- The up-shift and down-shift switch ramp surfaces being configured and arranged such that the detent spring (115) applies an urging force on the drive position notch to bias the detent spring to the center neutral drive location, the up-shift and down-shift switch ramp surfaces being further configured and arranged such that the manual up-shift switch is operated when the detent spring (115) is moved along the up-shift switch ramp surface and the manual down-shift switch is operated when the detent spring is moved along the down-shift switch ramp surface.

Jezewski does not disclose that the detent spring is configured to remain within the drive position notch during operation of the manual up-shift switch and operation of the manual down-shift switch.

Miyoshi teaches a detent spring (14) that is configured to remain within the drive position notch (13a) during operation of the manual up-shift switch and operation of the manual down-shift switch (translation provided by applicant pg 9 last line to pg 10 line 4)

for the purpose of providing a change between a manual and an automatic mode within a single range (pg 1 "Problem to be Solved").

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Jezewski and provide a detent spring that is configured to remain within the drive position notch during operation of the manual up-shift switch and operation of the manual down-shift switch, as taught by Miyoshi, for the purpose of providing a change between a manual and an automatic mode within a single range.

Re clm 2, Jezewski discloses that the shift lever (10/13) includes a movable detent pin (99) arranged to selectively engage a stationary shift plate (90) to prevent the shift lever from shifting from the drive position to one of the other operating positions.

Re clm 8, Jezewski discloses that the shift lever (10/13) includes an automatic shift selector (16, see Figure 2) located on an upper portion of the shift lever with the automatic shift selector being operatively coupled to the detent pin (99).

Re clm 9, Jezewski discloses that the manual shift selector (101) is located on an upper portion of the shift lever (see Figure 1).

Re clm 10, Jezewski discloses that the shift lever (10/13) includes an automatic shift selector (16, see Figure 2) being operatively coupled to a movable detent pin (99) that engages a stationary shift plate (90) to limit the movement of the shift lever (10/13).

Re clm 21, Miyoshi disclose that the drive position notch (13a) has an overall concave shape defined by the up-shift switch ramp, the center neutral drive location and

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a down shift ramp surface (Figure 1 shows a center part of the notch that has ramps on the left and right).

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jezewski '294 in view of Miyoshi JP'685 and further in view of Miyoshi, USP 5,946,976.

Re clm 3 Jezewski in view of Miyoshi JP'685 discloses all of the claimed subject matter as described above.

Jezewski in view of Miyoshi JP'685 does not disclose that the detent pin is configured and arranged to selectively actuate the manual up-shift and down-shift switches upon movement of the shift lever.

Miyoshi '976 teaches a detent pin (21) is configured and arranged to selectively actuate (via 33) the manual up-shift and down-shift switches upon movement of the shift lever for the purpose of providing a shifting arrangement which is constructed by a reduced number of parts or elements (C2/L42-45).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Jezewski in view of Miyoshi JP'685 and provide a detent pin configured and arranged to selectively actuate the manual up-shift and down-shift switches upon movement of the shift lever, as taught by Miyoshi '976, for the purpose of providing a shifting arrangement which is constructed by a reduced number of parts or elements.

4. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jezewski '294 in view of Miyoshi JP'685 in view of Miyoshi '976 and further in view of Koontz, US PGPub 2004/0168537.

Re clm 4, Jezewski in view of Miyoshi JP'685 and Miyoshi '976 discloses all of the claimed subject matter as described above. Jezewski also discloses an automatic transmission cable lever (92).

Jezewski in view of Miyoshi JP'685 and Miyoshi '976 does not disclose that the automatic transmission cable lever configured and arranged to be selectively engaged and disengaged by the detent pin such that the shift lever moves with the automatic transmission cable lever when the detent pin is engaged with the automatic transmission cable lever and the shift lever moves independently of the automatic transmission cable lever when the detent pin is disengaged with the automatic transmission cable lever.

Koontz teaches an automatic transmission cable lever (30/32) configured and arranged to be selectively engaged and disengaged by the detent pin (44) such that the shift lever (36) moves with the automatic transmission cable lever (30/32) when the detent pin (44) is engaged with the automatic transmission cable lever (30/32) and the shift lever (36) moves independently of the automatic transmission cable lever (30/32) when the detent pin (44) is disengaged with the automatic transmission cable lever (30/32) (paragraph 0031) for the purpose of providing a shift assembly that can prevent movement of a control member (cable lever 30/32) when a shift lever is in a second path (paragraph 0006).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Jezewski in view of Miyoshi JP'685 and Miyoshi '976 and provide an automatic transmission cable lever configured and arranged to be selectively engaged and disengaged by the detent pin such that the shift lever moves with the automatic transmission cable lever when the detent pin is engaged with the automatic transmission cable lever and the shift lever moves independently of the automatic transmission cable lever when the detent pin is disengaged with the automatic transmission cable lever, as taught by Koontz, for the purpose of providing a shift assembly that can prevent movement of a control member when a shift lever is in a second path.

Re clm 5, Jezewski discloses that the automatic transmission cable lever (92) is pivotally mounted about a pivot axis (112).

Re clm 6, Jezewski discloses that the shift lever (10/13) is pivotally mounted about the pivot axis (112) of the cable lever (92).

5. Claims 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jezewski '294 in view of Miyoshi JP'685 and further in view of Koontz, US PGPub 2004/0168537.

Re clms 7 and 11, Jezewski in view of Miyoshi JP'685 discloses all of the claimed subject matter as described above. Jezewski also discloses an automatic transmission cable lever (92).

Jezewski in view of Miyoshi JP'685 does not disclose that the automatic transmission cable lever configured and arranged to be selectively engaged and disengaged by the detent pin such that the shift lever moves with the automatic transmission cable lever when the detent pin is engaged with the automatic transmission cable lever and the shift lever moves independently of the automatic transmission cable lever when the detent pin is disengaged with the automatic transmission cable lever.

Koontz teaches an automatic transmission cable lever (30/32) configured and arranged to be selectively engaged and disengaged by the detent pin (44) such that the shift lever (36) moves with the automatic transmission cable lever (30/32) when the detent pin (44) is engaged with the automatic transmission cable lever (30/32) and the shift lever (36) moves independently of the automatic transmission cable lever (30/32) when the detent pin (44) is disengaged with the automatic transmission cable lever (30/32) (paragraph 0031) for the purpose of providing a shift assembly that can prevent movement of a control member (cable lever 30/32) when a shift lever is in a second path (paragraph 0006).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Jezewski in view of Miyoshi JP'685 and provide an automatic transmission cable lever configured and arranged to be selectively engaged and disengaged by the detent pin such that the shift lever moves with the automatic transmission cable lever when the detent pin is engaged with the automatic transmission cable lever and the shift lever moves independently of the automatic transmission cable lever when the detent pin is disengaged with the automatic

transmission cable lever, as taught by Koontz, for the purpose of providing a shift assembly that can prevent movement of a control member when a shift lever is in a second path.

6. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jezewski '294 in view of Miyoshi JP'685 and Koontz '537 and further in view of Miyoshi, USP 5,946,976.

Re clm 12, Jezewski in view of Miyoshi JP'685 and Koontz '537 discloses all of the claimed subject matter as described above.

Jezewski in view of Miyoshi JP'685 and Koontz does not disclose that the detent pin is configured and arranged to selectively actuate the manual up-shift and down-shift switches upon movement of the shift lever.

Miyoshi '976 teaches a detent pin (21) is configured and arranged to selectively actuate (via 33) the manual up-shift and down-shift switches upon movement of the shift lever for the purpose of providing a shifting arrangement which is constructed by a reduced number of parts or elements (C2/L42-45).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Jezewski in view of Miyoshi JP'685 and Koontz and provide a detent pin configured and arranged to selectively actuate the manual up-shift and down-shift switches upon movement of the shift lever, as taught by Miyoshi '976, for the purpose of providing a shifting arrangement which is constructed by a reduced number of parts or elements.

Re clm 13, Jezewski discloses that the automatic transmission cable lever (92) and the shift lever (10/13) are pivotally mounted about a pivot axis (112).

7. Claims 14, 15, 17, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jezewski '294 in view of Koontz, US PGPub 2004/0168537.

Re clms 14 and 20, Jezewski an inline automatic/manual shifter comprising:

- A shift lever (10/13) configured and arranged to selectively move in a straight line path to select one of a park position (P), a neutral position (N), a reverse position (R), and a drive position (D)
- A manual up-shift switch and a manual down-shift switch (133, one half detects up shift while the other half detects down shift)
- A manual shift selector (101)
- A shift position retaining mechanism (detent spring 115) configured and arranged to selectively retain the shift lever (10/13) in one of the park position, the neutral position, the reverse position and the drive position
- A shift release device (button 16) coupled to the shift lever (10/13) to selectively lock the shift lever in the drive position and release the shift lever (10/13) for movement along the straight line path, the shift release device includes a detent pin (99) that engages a shift gate (78/79)
- an automatic transmission cable lever (also called an automatic transmission mode selecting means in clm 20, see remarks pg 15 lines 5-14) (92)

Jezewski does not disclose that the automatic transmission cable lever configured and arranged to be selectively engaged and disengaged by the detent pin such that the shift lever moves with the automatic transmission cable lever when the detent pin is engaged with the automatic transmission cable lever and the shift lever moves independently of the automatic transmission cable lever when the detent pin is disengaged with the automatic transmission cable lever.

Koontz teaches an automatic transmission cable lever (30/32) configured and arranged to be selectively engaged and disengaged by the detent pin (44) such that the shift lever (36) moves with the automatic transmission cable lever (30/32) when the detent pin (44) is engaged with the automatic transmission cable lever (30/32) and the shift lever (36) moves independently of the automatic transmission cable lever (30/32) when the detent pin (44) is disengaged with the automatic transmission cable lever (30/32) (paragraph 0031) for the purpose of providing a shift assembly that can prevent movement of a control member (cable lever 30/32) when a shift lever is in a second path (paragraph 0006).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Jezewski and provide an automatic transmission cable lever configured and arranged to be selectively engaged and disengaged by the detent pin such that the shift lever moves with the automatic transmission cable lever when the detent pin is engaged with the automatic transmission cable lever and the shift lever moves independently of the automatic transmission cable lever when the detent pin is disengaged with the automatic transmission cable lever, as

taught by Koontz, for the purpose of providing a shift assembly that can prevent movement of a control member when a shift lever is in a second path.

Re clm 15, Jezewski discloses that the automatic transmission cable lever (92) and the shift lever (10/13) are pivotally mounted about a pivot axis (112).

Re clm 17, Jezewski discloses that the shift lever (10/13) includes an automatic shift selector (16, see Figure 2) located on an upper portion of the shift lever with the automatic shift selector being operatively coupled to the detent pin (99).

Re clm 18, Jezewski discloses that the manual shift selector (101) is located on an upper portion of the shift lever (see Figure 1).

8. Claim 16 and are rejected under 35 U.S.C. 103(a) as being unpatentable over Jezewski '294 in view of Koontz '537 and further in view of Miyoshi, USP 5,946,976.

Re clm 3 Jezewski in view of Koontz discloses all of the claimed subject matter as described above.

Jezewski in view of Koontz does not disclose that the detent pin is configured and arranged to selectively actuate the manual up-shift and down-shift switches upon movement of the shift lever.

Miyoshi '976 teaches a detent pin (21) is configured and arranged to selectively actuate (via 33) the manual up-shift and down-shift switches upon movement of the shift lever for the purpose of providing a shifting arrangement which is constructed by a reduced number of parts or elements (C2/L42-45).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Jezewski in view of Koontz and provide a detent pin configured and arranged to selectively actuate the manual up-shift and down-shift switches upon movement of the shift lever, as taught by Miyoshi '076, for the purpose of providing a shifting arrangement which is constructed by a reduced number of parts or elements.

Response to Arguments

9. Applicant's arguments with respect to claims 1-18, 20 and 21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

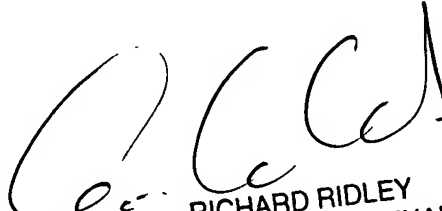
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Pilkington whose telephone number is (571) 272-5052. The examiner can normally be reached on Monday-Friday 8:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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